

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SARAH ADAMS, an Incapacitated Person,
by her Legal Guardian Yanixa Rosado and
YANIXA ROSADO, Individually,

No.: 19 Civ. 10480 (OTW)

Plaintiffs,

-against-

UNITED STATES OF AMERICA,

Defendant.

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MODIFIED ORDER TO APPROVE SETTLEMENT AND DISTRIBUTION

Upon reading and filing the Attorney's Affirmation of Sherri L. Plotkin, Esq. of the law firm of Rheingold Giuffra Ruffo & Plotkin LLP, dated June 22, 2023, counsel for the Petitioners herein and the exhibits annexed thereto seeking an Order approving a settlement of the within action and the proposed distribution of the settlement funds and upon all the exhibits, pleadings and proceedings heretofore had herein, and due deliberation having been had thereon; and it appearing to the Court's satisfaction that the best interests of the IP will be served by settling the instant medical malpractice action against the United States of America., and

Upon consideration of the United States of America's letter dated July 15, 2023, filed with the consent of the Plaintiffs in this action; it is hereby

ORDERED, that the Court's Order to Approve Settlement and Distribution dated June 26, 2023, Dkt. No. 57, is hereby rescinded and superseded by the instant Order;

ORDERED, that Yanixa Rosado, as the Guardian of the Person and Property of Sarah Adams, an Incapacitated Person, be and hereby is authorized to compromise and settle the personal

injury claims of the IP Sarah Adams and loss of services claim of the Guardian Yanixa Rosado in the within action in the amount of Three Million Two Hundred Thousand Dollars (\$3,200,000.00) in accordance with the terms and conditions set forth in this Order; and it is further

ORDERED, that Yanixa Rosado is authorized to execute General Releases, and any and all other documents necessary to effectuate such compromise and settlement and to deliver those documents, together with a copy of this Order, as entered, to the attorneys for Defendant United States of America; and it is further

ORDERED, that, upon receipt of the information set forth in Paragraph 3(a) of the parties' Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677, Dkt. No. 55-3, Defendant United States of America will pay the Plaintiffs the amount of Three Million Two Hundred Thousand Dollars (\$3,200,000.00), in accordance with the terms set forth in Paragraph 3 of that Stipulation; and it is further

ORDERED, that upon making the payments listed above the liability of Defendant United States of America shall be wholly extinguished and satisfied and will not be responsible for any future payments whatsoever; and it is further

ORDERED, that the filing of a bond is hereby dispensed with.

SO ORDERED

Dated: New York, New York
July 17, 2023

ENTER:



U.S.M.J.